



PATENT

Serial No: 10/791,508
Filed: March 2, 2004
Applicant: David Peters
Title: COMPOSITE SOCKET WRENCH
Art Unit: 3723
Examiner: Alvin J. Grant
Atty Dock: SAWT/13R
Conf. No.: 2762

Cincinnati, Ohio 45202

September 7, 2005

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

DECLARATION OF DAVID PETERS

I, David Peters, declare as follows:

(1) I am the inventor of the above case and President of Ready Products, Inc., the company that distributes the product claimed in this application. I previously submitted a declaration in this case which related to the commercial success, as well as the strength, of this product.

(2) The sales of this product continue to improve, and are even better than indicated in my earlier affidavit.

(3) The following relates to the unexpected strength of this product. Ready Products also markets a metal version of this product. Both the metal and nylon versions have a hollow handle and store sockets within the handle. As a result of this, the walls of the handle are relatively thin as compared to the neck of the

handle. Otherwise, the handle would be so large that one could not get a good grip on the handle. The point of weakness, however, is the thicker neck of the handle.

(4) To indicate how this was accepted by the industry, the following is an unsolicited e-mail I received from a customer on December 7, 2004. The customer is a master distributor for the HVAC industry. For his own personal privacy, I have not referenced his name or company. The statement is as follows:

Sent: Tuesday, December 07, 2004 11:28 AM
To: David Peters
Subject: MARS / Ready Tools

Hi Dave,

I like the Ready Ratchet. I thoroughly tested my sample. After numerous drops onto a hard commercial tile floor...I began tossing it down the hallway trying to break it. It didn't break so I took it outside into the parking lot and threw it like a baseball back and forth across the lot. Amazingly, the socket never once came off...the nylon housing took a beating, but held together. The end cap did fracture but remained in place. The ratchet mechanism never broke. Basically, it is one tuff little nylon tool. I did not see very many wrenches at the wholesalers, but I do know a lot of mechanical strut is sold for erecting roof-top support systems. Don't see why the wrench might not be a bad little tool.

The following is what I can do for you:

- 1) I can give you instant exposure to virtually every HVAC/R wholesaler in America. Again, these wholesalers only serve professional contractors...like the ones who visit your home

or place of business when the furnace or AC is not working. We have a tad over 8,000 ship to locations!

- 2) I will flyer your product in our 'Connections' publication which is a fold up newsletter publication that will go out after our spring ESP preseason expires (March 31, 2005). I have attached a copy of our larger spring ESP publication for your review. These pubs are designed and published at MARS' cost and mailed to the buyers at each of our wholesaler customers.
- 3) I will equip each of our Sales Reps with samples of the products that you provide. These will be used on follow-up sales calls to the wholesalers. Our Reps really like to go on calls with 'toys' in hand! For a tool, the Rep really needs to show the wholesaler what he is getting...there is a lot of junk out there...I don't want your product to be judged as that based only on a picture in a publication.

(5) Then, on Wednesday, March 23 of this year, I received the following unsolicited e-mail from the same individual:

Sent: Wednesday, March 23, 2005 9:18 AM
To: David Peters
Subject: MARS

Hi Dave,

The Ready Ratchet has done amazingly well! I have customers with product on back-order! We do have another order with you. Do you have it? Do you have the labels? I just wanted to follow up to make sure people on my end have not missed anything.

Thanks

(6) As you can see from the December 7 e-mail, this customer did not believe the product would work. He thoroughly tested the product by throwing it across a parking lot like a baseball. Obviously, he was impressed that the nylon housing held together, and that the ratchet mechanism did not break. As a result of this testing by this customer, he has sold a significant number of this product, and has listed it in his catalog.

(7) We have received many other comments from other customers indicating that they initially did not believe that the nylon wrench would function as well as it does. This is in spite of the fact that the nylon wrench weighs 7.9 oz. (without sockets), and the metal wrench weighs 18.6 oz. (without sockets).

(8) Although it may appear to be a minor change to go from metal to nylon, it is this change that has made the product truly commercially viable. It was the need to reduce weight that made me try a nylon version, even though I did not believe it would work. Certainly, I did not believe the product would be as strong as it currently is.

(9) Attached hereto are articles from "Hot Rod", "The Family Handyman", "Cycle World", "Boating", "Low Rider", "Construction Dimensions", "Chicagoland Chief Engineer", "Coast to Coast", and "Trailer Body Builders" magazines which tout the Ready Ratchet product. All these articles refer to the fact that the sockets are stored in the wrench handle. But they also mention the fact that

the product is made from a composite material. One article indicates that while the Ready Ratchet is not rugged enough for a diesel mechanic, it is plenty sturdy for wrenching on stuff around the house. Manufactured from composite materials with a contoured handle, the Ready Ratchet exceeds national specifications for torque. None of these articles were paid for in any way by the Applicant.

(10) To my knowledge, this product is the only current ratchet wrench currently being made from a composite material. The fact that this product is made from a polymeric material and is strong enough, in spite of the fact that the handle is hollow permitting it to store socket wrenches, provides extremely significant commercial advantage.

(11) I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the subject application or any patent issued thereon.

9/12/05
Date

David Peters
David Peters